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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,722	09/20/2000	Yoshiaki Tanaka	0102/0138	6231

21395 7590 10/04/2005

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EXAMINER

SELLERS, DANIEL R

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/666,722	Applicant(s) TANAKA ET AL.	
	Examiner Daniel R. Sellers	Art Unit 2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

by

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heo et al., U.S. Pat. No. 5,987,417 and Kondo et al., U.S. Pat. No. 6,618,396 (hereinafter Heo and Kondo respectively).
2. Regarding claim 22, see Heo column 20, lines 39-42 and column 21, lines 34-43. Heo teaches a device that decodes a stream containing audio packs and a stream that has a down sampling flag, a down mix flag, and a dequantization flag placed in a given area. Heo teaches PCM data with channel identifying features and it is inherent that the channels for the PCM digital audio signals are adjacent to each other (col. 12, lines 23-31). Heo does not teach a packeting process with CIP packets, however Heo teaches header information in a real-data recording. Since Heo does not teach a CIP header, and the applicant has not fully demonstrated the advantage to excluding a CIP header to store this information, one skilled in the art would have found it obvious to place the information in any header position. Kondo teaches a packeting process involving CIP headers (Col. 22, line 58 – Col. 23, line 18, and Fig. 11 and 12). It would have been obvious for one of ordinary skill in the art to combine the teachings of Heo and Kondo for providing headers to divided data.
3. Regarding claim 23, the further limitation of claim 22, see the preceding argument with respect to claim 22. Heo teaches a down-sampling flag wherein the audio content is downsampled from 192 kHz to 96 kHz, or to one half of the original signal.

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4. Regarding claim 24, see the preceding argument with respect to claim 22. The combination of Heo and Kondo teach these features.
5. Regarding claim 25, the further limitation of claim 24, see the preceding argument with respect to claim 23. The combination teaches a method of decoding packeted data with these features.
6. Regarding claim 26, see the preceding argument with respect to claim 22. The combination teaches a signal receiving method with these features.
7. Regarding claim 27, the further limitation of claim 26, see the preceding argument with respect to claim 23. The combination teaches these features.

Response to Arguments

8. Applicant's arguments with respect to claims 22-27 have been considered but are moot in view of the new ground(s) of rejection.
9. It is unclear as to the purpose of excluding the CIP header area as a location for header data in the present invention. The invention is supported in the specification by figure 13 in the drawings, however no clear advantage is taught.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DRS


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600